



Docket No.: M1071.1850
(PATENT)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Seiji Hidaka et al.

Allowed: July 21, 2005

Application No.: 10/643,692

Confirmation No.: 5092

Filed: August 18, 2003

Art Unit: 2817

For: RESONATOR, FILTER, DUPLEXER,
AND COMMUNICATION
APPARATUS

Examiner: B. Summons

PETITION TO ACCEPT DELAYED CLAIM FOR PRIORITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition for acceptance of a delayed claim of priority under 35 U.S.C. § 119 based on the following prior foreign applications filed in the following foreign countries on the dates indicated:

<u>Country</u>	<u>Application No.</u>	<u>Date</u>
Japan	2002-334226	November 18, 2002
Japan	2002-363359	December 16, 2002

Certified copies of each of the above applications were filed in the above-identified application on June 16, 2005, receipt of which was acknowledged by the Examiner in the Communication mailed July 15, 2005.

08/29/2005 JADD01 00000113 10643692

01 FC:1454

1370.00 0P

The subject U.S. patent application was filed on August 18, 2003, as a national application of International application No. PCT/JP02/13181. Pursuant to 37 C.F.R. §1.78(a)(2), a claim for priority to the above Japanese applications was due by December 18, 2003.¹

Due to an inadvertent clerical error, the original Declaration and Power of Attorney submitted in the present application on August 18, 2003, did not include the two above-noted Japanese applications. Applicants state that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) (i.e., December 18, 2003) and the date the claim was filed (i.e., June 16, 2005) was unintentional.

In addition, Applicants respectfully submit herewith an executed Substitute Declaration for the above-identified application setting forth Applicants' priority claims.

The Director is hereby authorized to charge the required official fee for the subject Petition, which is estimated to be \$1370.00 as set forth in 37 C.F.R. § 1.17(t), to the credit card noted on the attached PTO-2038 form.

Pursuant to 37 C.F.R. §1.78(a)(3), Applicants also hereby request that the CROSS REFERENCE TO RELATED APPLICATIONS section of the specification at page 1 be amended as follows:

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application is a continuation of PCT Appln. No.: PCT/JP02/13181, filed December 17, 2002, and entitled: RESONATOR, FILTER, DUPLEXER, AND COMMUNICATION APPARATUS, the entire contents of which are incorporated herein by reference, and which claims priority to Japanese Patent Application No. 2002-363359, filed

¹ Applicants wish to note that a claim to priority for and Japanese Patent Application No. 2001-384879, filed December 18, 2001, was properly included in the Declaration filed on August 18, 2003.

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December 18, 2002, Japanese Patent Application No. 2002-334226, filed November 18, 2002, and Japanese Patent Application No. 2001-384879, filed December 18, 2001.

In view of the above, applicants respectfully request that the Petition be granted.

Dated: August 26, 2005

Respectfully submitted,

By Richard LaCava

Richard LaCava

Registration No.: 41,135

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

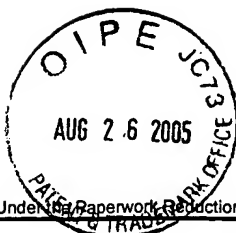
1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant



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PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/643,692-Conf. #5092
		Filing Date	August 18, 2003
		First Named Inventor	Seiji Hidaka
		Examiner Name	B. Summons
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	2817	
TOTAL AMOUNT OF PAYMENT	(\$) 1,370.00	Attorney Docket No.	M1071.1850

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input type="checkbox"/> Deposit Account	Deposit Account Number: 50-2215
	Deposit Account Name: Dickstein Shapiro Morin & Oshinsky LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		Multiple Dependent Claims		
15	- 20 =	x	=		Fee (\$)	Fee Paid (\$)	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
1	- 3 =	x	=				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
- 100 =	/50	(round up to a whole number) x		=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim ...						1,370.00	

SUBMITTED BY			
Signature	Richard LaCava	Registration No. (Attorney/Agent)	41,135
Name (Print/Type)	Richard LaCava	Telephone	(212) 896-5484
		Date	August 26, 2005

DIPE
AUG 26 2005

**UNITED STATES OF AMERICA COMBINED DECLARATION
AND POWER OF ATTORNEY FOR PATENT APPLICATION**

FILE NO.
M1071.1850

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RESONATOR, FILTER, DUPLEXER, AND COMMUNICATION APPARATUS

the specification of which is attached hereto, unless the following box is checked:

- ☒ was filed on December 17, 2002 as United States patent Application Number or PCT International patent application number PCT/JP02/13181 and was amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign or Provisional Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Japan	2002-334226	November 18, 2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Japan	2002-363359	December 16, 2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Japan	2001-384879	December 18, 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint customer no. 32172 DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP, and the members of the firm, Edward A. Meilman, Reg. No. 24,735, Gary M. Hoffman, Reg. No. 26,411, Steven J. Weisburg, Reg. No. 27,409, Thomas J. D'Amico, Reg. No. 28,371, Donald A. Gregory, Reg. No. 28,954, Stephen A. Soffen, Reg. No. 31,063, James W. Brady, Jr., Reg. No. 32,113, Jon D. Grossman, Reg. No. 32,699, Mark J. Thronson, Reg. No. 33,082, Michael J. Scheer, Reg. No. 34,425, and Eric Oliver, Reg. No. 35,307, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO: DICKSTEIN, SHAPIRO, MORIN & OSHINSKY, LLP
1177 Avenue of the Americas, 41st Floor
New York, NY 10036-2714

DIRECT TELEPHONE CALLS TO:
(212) 835-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Seiji HIDAKA		INVENTOR'S SIGNATURE <i>Seiji Hidaka</i>	DATE August 18, 2005
RESIDENCE (City and either State or Foreign Country) Nagaokakyo-shi, Kyoto-fu, Japan		COUNTRY OF CITIZENSHIP Japan	
POST OFFICE ADDRESS c/o (A170) Intellectual Property Department, Murata Manufacturing Co., Ltd., 10-1, Higashikotari 1-chome, Nagaokakyo-shi, Kyoto-fu 617-8555, Japan			
FULL NAME OF SECOND JOINT INVENTOR (IF ANY) Shin ABE		INVENTOR'S SIGNATURE <i>Shin Abe</i>	DATE August 18, 2005
RESIDENCE (City and either State or Foreign Country) Muko-shi, Kyoto-fu, Japan		COUNTRY OF CITIZENSHIP Japan	
POST OFFICE ADDRESS c/o (A170) Intellectual Property Department, Murata Manufacturing Co., Ltd., 10-1, Higashikotari 1-chome, Nagaokakyo-shi, Kyoto-fu 617-8555, Japan			